

# Rules of Department of Economic Development

## Division 250—Missouri Real Estate Commission Chapter 4—Licenses

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 250—Missouri Real  
Estate Commission  
Chapter 4—Licenses**

**4 CSR 250-4.010 Form and Contents**

*PURPOSE:* This rule declares the form and identifying information on the license.

(1) The commission shall issue to each licensee a license in such form as shall be prescribed by the commission.

*AUTHORITY:* section 339.120, RSMo Supp. 1993.\* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed May 11, 1983, effective Aug. 11, 1983. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994.

\*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993.

**4 CSR 250-4.020 Expiration and Renewal; Name and Address Changes**

*PURPOSE:* This rule establishes the dates of license validity and the obligation of licensees for renewal of same. The broker license must be renewed before the salesperson or broker-salesperson license may be renewed.

(1) Every license issued and every license renewal for broker, corporation, broker-officer, partnership, broker-partner, association, broker-associate, broker-salesperson, professional corporation (broker-salesperson) and inactive broker licenses shall expire June 30 in every even-numbered year. Professional corporation (salesperson), salesperson and inactive salesperson licenses shall expire September 30 in every even-numbered year. The commission may mail to each licensee, at least thirty (30) days prior to license expiration, a notice of the expiration and an application for renewal of license to the licensee's address on file with the commission. The commission may issue a new license for each renewal period upon receipt of a properly completed renewal application, including proof of completion of the continuing education requirement pursuant to 4 CSR 250-10.010, and the biennial fee postmarked by a postal service before midnight of the date of expiration. Delinquent renewal applications must be accompanied by a delinquent fee of fifty dollars (\$50) per month or partial month elapsed since date of expiration, not to exceed a two hundred dollar (\$200) maximum delinquent fee. Any licensee who fails to complete

continuing education requirements, in addition to paying delinquent fees as set out previously, must attend the prescribed prelicense course. A delinquent renewal application, accompanied by the required fees and proof of satisfactory completion of the prescribed course, must be postmarked by a postal service within six (6) months of course completion.

(2) Failure of a licensee to receive the notice and application to renew from the commission shall not excuse the licensee from the requirements for renewal contained in this rule. Any licensee who fails to renew during a subsequent renewal period is no longer licensed and in order to become licensed again will be required to complete the prelicense course, requalify by examination and apply as if an original applicant. Until a new license is procured, the holder of an expired license shall not perform any act for which a license is required.

(3) A renewal license will not be issued until the license of the broker with whom the licensee is associated has been renewed.

(4) Within ten (10) days following a change in name or home address, each licensee shall notify the commission in writing.

*AUTHORITY:* section 339.120, RSMo 2000.\* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 12, 1982, effective June 11, 1982. Amended: Filed Aug. 12, 1982, effective Nov. 11, 1982. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed March 17, 1986, effective June 28, 1986. Amended: Filed Oct. 26, 1987, effective July 1, 1988. Amended: Filed Sept. 1, 1989, effective Dec. 28, 1989. Amended: Filed Nov. 15, 1991, effective June 25, 1992. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002.

\*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993, 1995, 1999.

**4 CSR 250-4.030 Fictitious Name**

*PURPOSE:* This rule enforces compliance with other statutes.

(1) Any broker doing business under any name other than the broker's legal name or any entity doing business under any name other than the name registered with the secretary of state, shall first comply with the

provisions of sections 417.200–417.230, RSMo on the registration of fictitious names and shall furnish the commission a copy of the registration within ten (10) days of receipt of the official registration from the secretary of state.

*AUTHORITY:* section 339.120, RSMo Supp. 1993.\* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994.

\*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993.

**4 CSR 250-4.040 Individual License; Business Name; Inactive Brokers**

*PURPOSE:* This rule assures that the commission may fulfill its regulatory authority over licensees. In order to fulfill its authority, it must be in a position to communicate with and identify all licensees. The license pocket card is a consumer protection measure, where the licensee may offer proof of his/her professional status.

(1) A broker shall not conduct business under any other name or at any other address than the one for which the broker's individual license is issued unless the broker first complies with 4 CSR 250-4.030. If a broker changes his/her name, home or business address, the broker shall notify the commission in writing within ten (10) days after the change becomes effective.

(2) When a broker returns his/her license to the commission, the broker must first comply with the provisions of 4 CSR 250-8.155. The broker shall have six (6) months in which to change status or reinstate the license. If the application to change status or reinstate the license is not made within the six (6)-month period, the applicant will be required to complete the required prelicense course and show proof of satisfactory completion of that course within six (6) months prior to reinstatement of the license. If the license is not reinstated or placed on inactive status within the subsequent renewal period, the licensee will be required to complete the prelicense course, requalify by examination and apply as if an original applicant.

(3) A broker may apply for inactive broker status. This request shall be on an application approved by the commission and shall be accompanied by the required fee. A license shall be issued to the broker clearly printed with the word inactive and the inactive broker



shall not engage in any activity for which a license is required. An inactive broker license must be renewed biennially on or before June 30 of each renewal year. A licensee holding an inactive license as described in this rule will not be required to complete the continuing education requirement for license periods during which the license is inactive. A broker license which is inactive may not be reactivated until the licensee presents to the commission the proper application accompanied by the required fee and a certificate from a school accredited by the commission evidencing satisfactory completion, within the preceding six (6) months, of the broker course of study required by 4 CSR 250-6.020.

*AUTHORITY: section 339.120, RSMo Supp. 1993.\* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 12, 1982, effective June 11, 1982. Amended: Filed Aug. 12, 1982, effective Nov. 11, 1982. Amended: Filed May 11, 1983, effective Aug. 11, 1983. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Sept. 1, 1989, effective Dec. 28, 1989. Emergency amendment filed Feb. 5, 1990, effective Feb. 15, 1990, expired June 14, 1990. Amended: Filed March 19, 1990, effective June 11, 1990. Amended: Filed Nov. 15, 1991, effective June 25, 1992. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994.*

*\*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993.*

#### **4 CSR 250-4.050 Broker-Salesperson and Salesperson Licenses; Transfers; Inactive Salespersons**

*PURPOSE: This rule is to clearly define the distinction between a broker and an individual who even though s/he achieved broker status must function as a salesperson.*

(1) A broker whose license is in good standing and who elects to operate under the supervision of a licensed broker shall first comply with the provisions of 4 CSR 250-8.155. The broker shall surrender his/her license to the commission for conversion to a broker-salesperson license. A broker-salesperson license will be issued upon receipt of the properly completed application accompanied by the required fee. No individual holding a broker-salesperson license may have a salesperson licensed under him/her. A broker license may be reinstated upon proper application to the commission accompanied by the required fee.

(2) A broker-salesperson or salesperson license shall be issued only to a person who is associated with a licensed broker. The license of each broker-salesperson or salesperson shall be mailed to the broker. A broker-salesperson or salesperson cannot be licensed with more than one (1) broker during the same period of time.

(3) Within seventy-two (72) hours of the termination of the association of any broker-salesperson or salesperson, a broker shall notify the commission and shall return to the commission that licensee's license. The broker shall provide a dated and timed receipt to the licensee when the licensee submits a letter of termination to the broker. When a licensee's license is surrendered to the commission, the licensee shall have six (6) months in which to transfer to another broker or change license status. If the application for transfer or change in status is not made within the six (6)-month period, the applicant will be required to complete the required prelicense course and show proof of satisfactory completion of that course within six (6) months prior to reinstatement of the license. If the license is not transferred or placed on inactive status, or if no status change has been made within the subsequent renewal period, the licensee will be required to complete the prelicense course, requalify by examination and apply as if an original applicant.

(4) An original licensee or a licensee changing license status/type shall not be deemed to be entitled to engage in any activity for which a license is required until the new license is received by the broker or until written notification is received from the commission that the application is being processed. When a broker-salesperson or salesperson transfers from one broker to another without changing license type, the licensee shall be deemed transferred at the time the properly completed application is postmarked if all materials required to transfer are mailed under one (1) cover. The new broker is responsible for seeing that the application is complete and that the application for transfer is mailed by certified, registered or overnight delivery to ensure proof of delivery. If the application is deemed incomplete, the transfer will not be effective until the properly completed application is received by the commission.

(5) Upon termination of a licensee's association with a broker, the licensee shall return all property belonging to the broker, including, but not limited to all listing information

acquired by the licensee in any manner during the licensee's association with the broker.

(6) A salesperson whose association with a broker is terminated may request the commission to transfer the license to an inactive status. The request shall be on an application approved by the commission and shall be accompanied by the required fee. A license shall be issued to the salesperson clearly printed with the word inactive and the inactive salesperson shall not be associated with a broker nor engage in any activity for which a license is required. An inactive salesperson license must be renewed biennially on or before September 30 of each renewal year. A licensee holding an inactive license as described in this rule will not be required to complete the continuing education requirement for license periods during which the license is inactive. A salesperson license which is in an inactive status may not be reactivated until the licensee presents to the commission a certificate from a school accredited by the commission evidencing satisfactory completion by that person, within the preceding six (6) months, of the salesperson course of study required by 4 CSR 250-6.020. The holder of an inactive salesperson license may be transferred to active status upon proper application to the commission accompanied by the required fee and the school completion certificate.

(7) A broker-salesperson whose association with a broker is terminated may request the commission to transfer the license to an inactive status and shall be subject to the provisions of 4 CSR 250-4.040(3).

*AUTHORITY: section 339.120, RSMo Supp. 1997.\* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 12, 1982, effective June 11, 1982. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Nov. 15, 1991, effective June 25, 1992. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Aug. 1, 1997, effective March 30, 1998.*

*\*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993, 1995.*

#### **4 CSR 250-4.060 Salesperson License; Transfers** (Rescinded August 28, 1994)

*AUTHORITY: section 339.120, RSMo Supp. 1990. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Emergency amendment filed Nov. 16, 1979, effective Nov. 26,*

1979, expired March 12, 1980. Amended: Filed Nov. 16, 1979, effective March 13, 1980. Amended: Filed March 12, 1982, effective June 11, 1982. Amended: Filed Aug. 12, 1982, effective Nov. 11, 1982. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Sept. 1, 1989, effective Dec. 28, 1989. Amended: Filed Nov. 15, 1991, effective June 25, 1992. Rescinded: Filed Feb. 2, 1994, effective Aug. 28, 1994.

#### 4 CSR 250-4.070 Partnership, Association or Corporation License

*PURPOSE: This rule proclaims all provisions necessary to procuring and maintaining a partnership, association or corporation license.*

(1) Every partnership, association or corporation must obtain a separate and distinct real estate broker license before transacting business as a broker pursuant to Chapter 339, RSMo. If the partnership, association or corporation wishes to do business under an assumed or fictitious name, it shall first comply with 4 CSR 250-4.030 regarding registration of the name.

(2) Before a broker license will be issued to a partnership, association or corporation, each partner in a partnership or each associate in an association or each officer of a corporation, who actively participates in the supervision of the real estate brokerage business of the firm, as defined in the license law, shall hold the appropriate broker license and each broker-salesperson or salesperson associated with the firm who engages in activities defined in the license law shall hold the appropriate license. In addition, each broker-partner, broker-associate or broker-officer shall retain a comparable position/title within the firm. An individual that maintains a salesperson license may also hold an officer title within a corporation.

(3) At the time of issuance of a partnership, association or corporation license, the applicant shall make application to the commission on a form approved by the commission which shall include the following:

(A) The full name of the firm, the address of its principal place of business and a statement as to its form of organization;

(B) The name, residence and business addresses of each partner in a partnership, or each associate in an association, or each officer of a corporation, licensed or unlicensed;

(C) The name and business address of the broker-partner, broker-associate or broker-officer who has been designated by the firm as responsible for contact with the commission on business of the firm and to whom the commission will address its correspondence;

(D) The address of each branch office of the firm which engages in the activities outlined in Chapter 339, RSMo and the name of the person in charge of the business at that address;

(E) If applying for a corporation license, a copy of the certificate of incorporation must be provided; and

(F) A statement under oath that the information furnished is complete, true and correct in all respects and that the entity is currently in good standing with the secretary of state. The commission must be notified in writing within ten (10) days of every change in a partnership, association or corporation which changes any information furnished or causes the information to be incomplete. The designated broker for the firm shall be responsible for the notification.

(4) A change in the name of a partnership, association or corporation shall require the filing of a new application with the commission accompanied by the required fee, the previously issued license and documentation from the secretary of state acknowledging the name change.

(5) A person qualifying for or renewing a broker license as a partner, associate or officer in a licensed firm shall be issued a license as a broker-partner, broker-associate or broker-officer, as the case may be. At the request of the holder, any such license in good standing may be converted by the commission to an individual broker, broker-salesperson or inactive broker license on a form approved by the commission and accompanied by the required fee.

(6) Any person who qualifies as a broker may also be licensed as a broker-officer, broker-associate or broker-partner or any combination of the four (4) types of broker licensure.

(7) The holder of a broker-partner, broker-associate or broker-officer license is not required to maintain a separate escrow or trust account while affiliated with a licensed entity.

(8) When a broker-partner, broker-associate or broker-officer license is returned to the commission, the licensee shall have six (6) months in which to change status or reinstate the license. If the application to change status

or reinstate the license is not made within the six (6)-month period, the applicant will be required to complete the required prelicense course and show proof of satisfactory completion of that course within six (6) months prior to reinstatement of the license. If the license is not reinstated or placed on inactive status within the subsequent renewal period, the licensee will be required to complete the prelicense course, requalify by examination and apply as if an original applicant.

*AUTHORITY: section 339.120, RSMo 2000.\* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Sept. 1, 1989, effective Dec. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002.*

*\*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993, 1995, 1999.*

#### 4 CSR 250-4.075 Professional Corporations

*PURPOSE: This rule establishes guidelines for real estate salespersons who wish to incorporate as a professional corporation.*

(1) Only salespersons and broker-salespersons who are licensed to render the services mentioned in section 339.010.2, RSMo may be licensed as professional corporations.

(2) All applications for licensure as a professional corporation shall be subject to the provisions of 4 CSR 250-3.010 and all applicable provisions of Chapter 339, RSMo.

(3) Before a professional corporation license will be issued, the proposed corporate name must be approved by the commission. The applicant shall file with the commission an application for name approval accompanied by the required fee.

(4) All professional corporation licenses shall be issued in the name of the salesperson or broker-salesperson to whom the license is issued. No fictitious names will be accepted. The name shall contain the words Professional Corporation or the abbreviation P.C. and the licensee shall use that designation in the course of rendering any professional service.



(5) All stock or shares in a professional corporation must be held by the salesperson or broker-salesperson to whom the professional corporation license is issued.

(6) At the time of issuance of a license to a professional corporation, the applicant or licensee shall file with the commission an application, accompanied by the required fee and the certificate of incorporation.

(7) Upon dissolution of a licensed professional corporation, the professional corporation is subject to the provisions of 4 CSR 250-4.050.

*AUTHORITY: section 339.120, RSMo 2000.\* Original rule filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002.*

*\*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993, 1995, 1999.*

#### **4 CSR 250-4.080 Nonresident Licenses; Reciprocity; Process Agent**

*PURPOSE: This rule clarifies and qualifies who may obtain a nonresident license and the condition for its renewal.*

(1) A nonresident person, partnership, association or corporation seeking a license to engage in the real estate business in Missouri shall first apply for an appropriate license on a form provided by the commission accompanied by the required fee.

(2) The commission may issue a nonresident broker license to an individual who is licensed as a broker in the state of domicile, provided the commission is furnished a certification from the licensing authority of the state of domicile that the license is in good standing. The nonresident certification must be issued within three (3) months of application for a Missouri license. An individual applicant for a nonresident broker license who is not licensed as a broker in the state of domicile may be granted a nonresident license upon submitting satisfactory proof of intent to maintain the principal place of business in Missouri.

(3) The commission may issue a nonresident license to an individual who is licensed in the state of domicile, provided the commission is furnished a certification from the licensing authority of the state of domicile that the license is in good standing. The nonresident certification must be issued within three (3) months of application for a Missouri license.

Every licensed nonresident shall be associated with a licensed Missouri broker.

(4) The commission may issue a nonresident broker license to a partnership, association or corporation organized and licensed as a real estate broker under the laws of another state, provided the commission is furnished a certification from the nonresident licensing authority that the entity is in good standing; provided further that a nonresident firm shall furnish proof to the commission that it has complied with all applicable laws with respect to qualifying to do business in this state. The nonresident certification must be issued within three (3) months of application for a Missouri license.

(5) The commission may issue a nonresident professional corporation license to a professional corporation organized and licensed as a real estate professional corporation under the laws of another state, provided the commission is furnished a certification from the nonresident licensing authority that the license of the professional corporation is in good standing. A nonresident professional corporation shall furnish proof to the commission that it has complied with all applicable laws with respect to qualifying to do business in this state.

(6) In addition to the specific requirements set forth in this rule, every applicant for a nonresident license must meet all requirements applicable to Missouri residents and domestic firms applying for the same type of license. After licensure, a nonresident licensee shall be subject to and shall comply with all provisions of the license law and these rules.

(7) The commission may waive the examination prescribed by the license law for a nonresident individual duly licensed in any other state under the laws of which a similar exemption is extended to licensees of Missouri, provided a written agreement for reciprocal licensing exists between the licensing authorities of the states involved.

(8) A nonresident licensee who has been actively licensed in another state for twelve (12) of the preceding eighteen (18) months prior to date of application for the examination will be required to take the complete examination. The prelicense education requirement will be waived for a one (1)-time sitting of the examination but the continuing education requirement will remain in effect. If the candidate fails to pass both portions of the examination, the candidate will be required to meet the education requirement

prior to retaking the entire examination. Certification from the state of residence must be submitted with the application for license. Each application for a nonresident broker license shall be required to have satisfactorily completed the salesperson license examination prescribed by the commission prior to application for the broker examination.

(9) A nonresident licensee who has successfully passed the examination in another state will be required to complete the prelicense education requirement and take only the state portion of the examination if application for licensure is received within six (6) months of licensure in the other state. A certification from the nonresident licensing authority must be submitted with the application for license. The certification must be issued within three (3) months of application for a Missouri license.

(10) Before the commission shall issue a nonresident license, it shall require the nonresident to file with the commission an irrevocable consent that actions may be commenced against the nonresident in the proper court of any county in this state in which the cause of action shall arise or in which the plaintiff may reside, by service of process on the director of the Missouri Real Estate Commission and stipulating and agreeing that the service shall be taken and held in all such courts to be as valid and binding as if due service had been made upon the nonresident. The consent shall be authenticated by the acknowledged signature of the nonresident. Upon service, the director shall mail to the nonresident licensee at the last known address a notice of the service of process and a copy of the summons and petition. The mailing shall be by registered or certified mail requesting a return receipt signed by the addressee only. The director shall inform the clerk of the court out of which the summons was issued that the summons and petition were mailed to the nonresident licensee as described and shall forward to the clerk the return receipt showing delivery of the registered mailing.

(11) Any individual broker not residing in this state and not holding a valid real estate broker's license in the state of domicile must place the license in this state on inactive status during the period of absence from this state or request the license be placed with a Missouri licensed broker.

*AUTHORITY: section 339.120, RSMo 2000.\* Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 15, 1982, effective June 11, 1982. Amended:*

*Filed March 14, 1984, effective June 11, 1984. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002.*

*\*Original authority: 339.120, RSMo 1941, amended 1963, 1967, 1981, 1988, 1993, 1995, 1999.*